

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

3:16-cr-00051-BR

Plaintiff,

ORDER REGARDING MEDIA
ACCESS TO COURT
PROCEEDINGS

v.

AMMON BUNDY, RYAN BUNDY,
SHAWNA COX, PETER SANTILLI,
DAVID LEE FRY, JEFF WAYNE
BANTA, KENNETH MEDENBACH, and
NEIL WAMPLER,

Defendants.

BROWN, Judge.

The Court issued a Trial Observation Order (#1112) on August 25, 2016, relating to public access to trial proceedings in this case. In that Order, the Court directed certain seats in the public observation area in Courtroom 9A will be reserved for persons designated by Defendants and by the government and the remaining seats would be available to the public (including representatives of the media) on a first-come, first-served basis.

Subsequently, Oregonian Publishing Company (Oregonian), publisher both of *The Oregonian*, a daily newspaper in Portland, Oregon, and of *OregonLive*, the internet website home of that newspaper, and Oregon Public Broadcasting (OPB), a television and radio public broadcasting network in Oregon submitted a joint request to the Court asking it to reserve one seat in the public observation area in Courtroom 9A for an Oregonian reporter and one seat for an OPB reporter, each of whom would act in a "pool reporter" capacity on behalf of all other news-gathering individuals and organizations.

In support of its request, Oregonian represented to the Court that during the lunch recess in court proceedings, at the conclusion of each day's proceedings, and at such other times as the trial schedule might permit, its pool reporter would prepare reports describing any significant events that had transpired in the courtroom and would immediately (a) submit those reports to the Associated Press for transmission to all of its print and broadcast members; (b) post those reports online at *OregonLive.com* where they can be copied and redistributed by any person through any medium of communication; and (c) send those reports by electronic transmission to any journalist, news reporter, or news organization that has provided an email address to Oregonian. In addition, Oregonian represented that during appropriate recesses in the court proceedings, its pool reporter

will send out via Twitter summaries of any significant events that have occurred in the courtroom.

OPB made similar representations to the Court, stating that during recesses in trial proceedings and at the conclusion of court proceedings each day its pool reporter will distribute by Twitter a report of any significant courtroom developments and record an audio summary of those developments that will be promptly distributed via a Dropbox link to any interested journalist, news reporter, or news organization. In addition, OPB stated if trial developments warrant, a web story will be posted to OPB's website where any news organization can link to it, and its pool reporter will be available outside the courtroom to answer questions or to be interviewed by television stations and any other media organizations.

The Court notes since the Court issued the Trial Observation Order (#1112), the Court has identified space within the well of Courtroom 9A to accommodate the government's public-seating requirements, and, therefore, the government will not require any reserved seating in the gallery of Courtroom 9A, which, in turn, adds at least two seats to the spectator section that could be assigned to Oregonian and OPB pool reporters as requested without reducing the otherwise limited seating available to the public in

Courtroom 9A.¹

Based on the foregoing and in light of the limited space available in Courtroom 9A for public observation, the Court orders that Oregonian Publishing Company and Oregon Public Broadcasting may each designate one reporter from their respective staffs who will be issued a badge reserving a seat for each of them in the public observation area of Courtroom 9A at the beginning of each day for the purpose of allowing such reporters to function as pool reporters on behalf of all other interested journalists and news organizations in accordance with the representations made by Oregonian and OPB as described above. The pool reporting responsibility of such reporters is limited to events that transpire inside Courtroom 9A, and does not apply to any events or reporting efforts that take place outside of Courtroom 9A. Any journalist and any representative of any other news gathering organization who wishes to receive reports of events inside Courtroom 9A from the pool reporters should submit their email addresses to the pool reporters or to *The Oregonian* at newsroom@oregonian.com and/or to OPB at newseditors@opb.org.

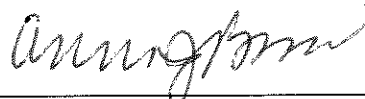
The Court emphasizes other members of the media may seek to obtain access to Courtroom 9A through the allotments of seats that are available to the public on a first-come, first-served

¹ The Court emphasizes Courtroom 13A continues to be available to watch the trial proceedings by live video and audio feed.

basis pursuant to the Trial Observation Order. In any event, media representatives and the public are welcome to observe the proceedings by live audio and video feed in Courtroom 13A.

IT IS SO ORDERED.

DATED this 6th day of September, 2016.

A handwritten signature in cursive script, appearing to read "Anna J. Brown", written in black ink.

ANNA J. BROWN
United States District Judge